

AMENDED IN SENATE SEPTEMBER 4, 1997

AMENDED IN SENATE AUGUST 6, 1997

AMENDED IN ASSEMBLY JUNE 3, 1997

AMENDED IN ASSEMBLY APRIL 15, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1293

Introduced by Assembly Member Bowen

February 28, 1997

An act to add Chapter 4.5 (commencing with Section 8301) to Division 1 of Title 2 of the Government Code, relating to information systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 1293, as amended, Bowen. Geographic information systems.

Existing law requires or authorizes state and local agencies to compile, maintain, and disseminate data for various purposes, and to develop electronic information systems for those purposes.

Existing law sets forth the duties of the Resources Agency in the development and oversight of various environmental programs in the state.

This bill would enact the Strategic Geographic Information Investment Act of 1997. It would require the Resources Agency to create a Geographic Information Systems Panel, with a described membership, and with specified duties. It

would require the agency, in consultation with the panel, to administer grants under the Geographic Information Grant Program for the development of new, and maintenance of, framework data bases for geographic information systems, and to maintain a registry of projects in which it participates under the program. It would establish the Geographic Information Grant Fund in the State Treasury for the purpose of funding the grant program, and provide that moneys in the fund shall be subject to appropriation in the annual Budget Act.

This bill would declare the intent of the Legislature that funding for its provisions be provided through the annual Budget Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) Quality information is essential to maintain the
4 health, safety, and welfare of the people of California and
5 California's economy and environment, and it is the
6 responsibility of state government to ensure that crucial
7 information is available for effective operation of the
8 public sector.

9 (b) The lack of quality information leads to poor
10 decisions by public and private organizations.

11 (c) Crime prevention, property management, energy
12 resources planning and service delivery, land planning,
13 risk assessment, economic development, emergency
14 response, pollution control, education, delivery of human
15 and social services, transportation management, natural
16 resources management, and environmental
17 decisionmaking are all functions of the public and private
18 sectors that require large amounts of high quality and
19 available information. This information can be indexed
20 by its geographic location, and, through the use of
21 geographic information systems, can be retrieved rapidly
22 and effectively.

1 (d) Computers and electronic data bases proliferate
2 throughout government, and automated mapping and
3 geographic information systems are the fastest growing
4 areas for information technology.

5 (e) Data are often collected and data bases designed
6 for isolated reasons, and seldom with consideration for the
7 needs and requirements of those outside the sponsoring
8 organization. California cannot afford data
9 fragmentation. A new direction must focus on
10 coordinated actions and better allocation of existing
11 financial resources at all levels of government.

12 (f) The capture of geographic information is
13 expensive, and public and private organizations must be
14 encouraged to work together to create shared geographic
15 information data bases, thus avoiding redundancy and
16 duplication.

17 (g) The update and maintenance of existing
18 geographic information system data bases is an effort that
19 is critical to the effective use and preservation of the
20 resources invested in geographic information systems.

21 (h) Geographic information is heavily relied upon and
22 critical to agencies, public utilities, educational
23 institutions, and private organizations, and provides the
24 foundation for assessment and planning of services and
25 actions.

26 (i) The flow of information between public
27 organizations and the citizenry must be unfettered in
28 order for public organizations to respond rapidly and
29 successfully to the health, safety, and welfare concerns of
30 the people of California.

31 (j) Increased electronic access to the public's
32 information systems will enhance the delivery of public
33 services and the availability of information.

34 (k) California must implement a comprehensive
35 strategy for the development, funding, and coordinated
36 use of geographic information to successfully serve its
37 citizens and to compete in the new international
38 economic system.

39 (l) Automated mapping and geographic information
40 systems offer great value to the public.

1 (m) Because of the high cost of creating and
2 maintaining geographic information data bases, many
3 public agencies are seeking greater authority to sell the
4 data. Public agency policies for pricing the data range
5 from covering the cost of data duplication, to recouping
6 the costs from compilation and maintenance of the data
7 bases. These policies impede and discourage the sharing
8 of data among public agencies with overlapping
9 geographic jurisdictions and interests. They also threaten
10 to thwart the public's right to open and unfettered access
11 to the government's decisionmaking information.

12 (n) It is the intent of the Legislature in enacting this
13 act to redress these problems and take better advantage
14 of opportunities described in this act. It is the further
15 intent of the Legislature to provide an alternative source
16 of funds for public agencies to create and maintain
17 geographic information data bases without having to sell
18 the public data. Finally, it is the intent of the Legislature
19 that the Resources Agency coordinate open exchange of
20 geographic information among public agencies by
21 establishing compatible standards for framework
22 information and serving as a clearinghouse for access to
23 data.

24 SEC. 2. Chapter 4.5 (commencing with Section 8301)
25 is added to Division 1 of Title 2 of the Government Code,
26 to read:

27
28 CHAPTER 4.5. STRATEGIC GEOGRAPHIC INFORMATION
29 INVESTMENT ACT OF 1997
30

31 8301. This chapter shall be known and may be cited
32 as the Strategic Geographic Information Investment Act
33 of 1997.

34 8302. For the purposes of this chapter, the following
35 definitions shall apply:

36 (a) "Agency" means the Resources Agency.

37 (b) "Data base" means records or groups of records,
38 stored electronically, that can be retrieved by a
39 computer.

(c) “Framework data base” means any categories of geographic information and their attributes that provide a foundation for collection and analysis of other data. A characteristic of framework data is that it serves multipurpose and multiple users with the same data.

(d) “Geographic information” means any physical, legal, economic, environmental, biological, or human information related by some indicator of geographic location. Geographic information includes, but is not limited to, information relating to topography, soil, geology, vegetation, land cover, land use, land use controls and restrictions, wildlife, land ownership, jurisdictional boundaries, administrative zones, tax assessment, land value, geodetic control, aerial photography, planimetric data, satellite imagery, historic and prehistoric sites, and economic projections.

(e) “Geographic information records” means maps, documents, computer files, data bases, and other information storage media in which geographic information is recorded.

(f) “Geographic information system” means an organized collection of computer hardware, software, geographic information, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information.

8303. (a) The Resources Agency shall implement this chapter.

(b) The agency shall create a Geographic Information Systems Panel consisting of members, each with one vote, who shall advise the agency on policies to carry out this chapter and make recommendations on the awarding of grants.

(1) The panel shall consist of the following members:

(A) One member who is experienced with geographic information used and developed by municipal government.

(B) One member who is experienced with geographic information used and developed by county government.

1 (C) One member who is experienced with geographic
2 information used and developed by state government.

3 (D) One member who is experienced with geographic
4 information used and developed by regional government
5 agencies as defined in Chapter 5 (commencing with
6 Section 65000) of Division 7.

7 (E) One member who is experienced with geographic
8 information used and developed by utilities.

9 (F) One member who represents an institution of
10 higher learning and is experienced in geographic
11 information.

12 (G) One member who is authorized to practice land
13 surveying by the State of California Board of Professional
14 Engineers and Land Surveyors.

15 (H) One member who is on the Federal Geographic
16 Data Committee.

17 (I) Two members who represent the public and have
18 expertise and experience with geographic information.

19 (2) The chairperson of the California Geographic
20 Information Coordination Council is a member.

21 (c) The agency may select and appoint advisory
22 members to serve in a nonvoting capacity and assist the
23 panel in its deliberations. The advisory membership
24 should consist of a representative of a regional planning
25 agency, a county employee active in the management of
26 geographic information systems, a municipal employee
27 active in the management of geographic information
28 systems, a representative of professional surveyors, a
29 representative of professional engineers, representatives
30 of elementary and higher education, representatives
31 from state and federal agencies active in the
32 management of geographic information systems, and
33 other groups that the agency believes will help foster its
34 goals and objectives.

35 (d) Each member of the panel shall represent the state
36 at large and not any particular geographic region or
37 special interest thereof.

38 (e) The terms of office of the appointed members of
39 the panel shall be for four years, except that the members
40 first appointed to the panel shall classify themselves by lot

1 so that the term of two or three members, as the case may
2 be, shall expire at the end of each of the four years
3 following the initial appointments to the panel.

4 (f) Any vacancy shall be filled by the Secretary of the
5 Resources Agency within 30 days of the date on which a
6 vacancy for the unexpired portion of the term occurs or
7 for any new term of office. If the Secretary of the
8 Resources Agency fails to make an appointment for any
9 vacancy within that period, the panel may, by a majority
10 vote of all members, make the appointment to fill the
11 vacancy for the unexpired portion of the term.

12 (g) Every two years, the panel shall elect a
13 chairperson and a vice chairperson from the membership
14 of the panel. The term of office for the chairperson and
15 vice chairperson shall be two years. If a vacancy occurs in
16 either office, the panel shall fill the vacancy for the
17 unexpired term.

18 (h) Members shall be entitled to reimbursement of
19 travel expenses and per diem pursuant to rules set forth
20 by the Department of Personnel Administration.

21 (i) A majority of the voting members of the panel shall
22 constitute a quorum for the transaction of business of the
23 panel. A majority vote of the voting members present
24 shall be required to take action with respect to any matter
25 unless otherwise specified in this chapter. The vote of
26 each member shall be individually recorded.

27 (j) The panel shall adopt its own rules and procedures
28 necessary for its organization and operation. Any rule,
29 procedure, plan, or other record of the panel that
30 constitutes a public record pursuant to subdivision (d) of
31 Section 6252 shall be available for inspection and copying
32 during regular office hours.

33 (k) The agency, on behalf of the panel, may apply for
34 and accept federal grants or other federal funds and
35 receive gifts, donations, rents, royalties, state funds
36 derived from bond sales, the proceeds of taxes or funds
37 from other state revenue sources or any other financial
38 support available from public or private sources.

39 (l) The agency, on behalf of the panel, may expend no
40 more than 10 percent of the moneys in the grant fund

1 appropriated annually by the Legislature for the
2 operations of the panel.

3 8304. The panel shall perform the following functions:

4 (a) Direct and supervise the geographic information
5 grant program for the state.

6 (b) Collect, maintain, and disseminate information
7 regarding the availability and development of
8 geographic information and geographic information
9 products and serve as the state clearinghouse for access
10 to geographic information.

11 (c) Administer and monitor the Geographic
12 Information Grant Program established pursuant to
13 Section 8306. The panel shall set eligibility requirements,
14 competitive selection criteria, and performance
15 monitoring criteria for grants.

16 (d) Define framework geographic data bases and the
17 minimum level of attribution for the framework data
18 bases that are eligible for grants from the geographic
19 information grant program.

20 (e) Ensure and certify that data developed and
21 maintained through the grant program conform to
22 framework standards and integrates with other
23 framework data. The panel shall ensure that a consistent
24 set of standards applies to all framework data bases
25 developed and maintained through the grant program.

26 8305. (a) There is in the State Treasury the
27 Geographic Information Grant Fund. All moneys
28 appropriated or transferred by the Legislature to, or
29 received from any other source by, the agency or the
30 panel, shall be deposited in the fund.

31 (b) Moneys in the fund shall be used for fostering
32 programs and activities to create and improve
33 geographic information, including, but not limited to, the
34 Geographic Information Grant Program and the
35 activities of the panel.

36 (c) Moneys in the fund shall be subject to
37 appropriation in the annual Budget Act.

38 8306. (a) The agency shall establish the Geographic
39 Information Grant Program, to administer, in

1 consultation with the panel, grants from the Geographic
2 Information Grant Fund as follows:

3 (1) Development of new, and maintenance of,
4 framework data bases for geographic information systems
5 shall be the only purposes for which grants may be made.

6 (2) The panel shall give preference to grant
7 applications that do not duplicate existing framework
8 data bases.

9 (3) The grant program shall be open to all public
10 agencies and private organizations located in California.

11 (4) Grants shall be made to partnerships, to include at
12 least one public agency. The partnership shall
13 demonstrate in its application that each partner shares
14 responsibility for development and maintenance of the
15 geographic information and that each partner uses and
16 participates materially in the geographic information
17 developed or maintained.

18 (5) The maximum dollar amount for a grant shall be
19 determined annually by the panel.

20 (6) The panel may require all grants to have a
21 matching requirement. The panel shall develop criteria
22 for determining the levels of a matching requirement for
23 any application. The panel may permit a matching
24 requirement be met through the provision of goods and
25 services by an applicant.

26 (7) The panel shall require that any recipient of a
27 grant make data developed or maintained with grant
28 funds available to disclosure under the California Public
29 Records Act (Chapter 3.5 (commencing with Section
30 6250) of Division 7) and require that the electronic data
31 shall be placed in the public domain free of any restriction
32 on use or copy.

33 (b) In administering the grant program, the panel
34 shall promote, facilitate, and coordinate liaison among
35 municipal, county, regional, state, and federal agencies as
36 well as utilities and private companies involved with the
37 creation and maintenance of geographic information.

38 (c) Notwithstanding Section 7550.5, the agency shall
39 report annually to the Legislature on the status of the
40 grant program, the success of the program in achieving

1 the development of framework data bases, and the status
2 and success of each grant.

3 8307. The agency shall create a geographic
4 information systems registry listing all geographic
5 information systems projects in which the agency
6 participates pursuant to this chapter.

7 8308. (a) It is the intent of the Legislature that the
8 funding for this chapter be provided through the annual
9 Budget Act.

10 (b) *State funding provided pursuant to this chapter*
11 *shall only be used to fund projects in which a state agency*
12 *is a participating partner, as described in paragraph (4)*
13 *of subdivision (a) of Section 8306.*

